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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NUTS FOR CANDY,

Plaintiff,

v.

GANZ, INC. et al.,

Defendants.

Case No. CV 08-2873 JSW

**STIPULATION AND [PROPOSED] ORDER  
TO MODIFY BRIEFING SCHEDULE ON  
DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT**

Date: November 7, 2008  
Time: 9:00 a.m.  
Judge: Hon. Jeffrey S. White  
Courtroom: Courtroom 2, 17<sup>th</sup> Floor

**STIPULATION AND [PROPOSED] ORDER TO MODIFY BRIEFING SCHEDULE ON DEFENDANTS'  
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

1 **IT IS HEREBY STIPULATED AND AGREED** between Plaintiff Nuts for Candy and  
 2 Defendants Ganz, Inc. And Ganz U.S.A., LLC, by and through their counsel of record, and  
 3 pursuant to Local Rule 6.1(b) of the United States District Court for the Northern District of  
 4 California, that Plaintiff's time to respond to Defendants' Motion to Dismiss Plaintiff's  
 5 Complaint ("Motion") is extended from August 19, 2008 to and including, August 26, 2008 and  
 6 Defendants' reply brief extended from August 26, 2008 to and including, September 4, 2008.

7 The parties request that the Court modify its Order Setting Briefing Schedule, dated  
 8 August 5, 2008. The requested modification will not affect a hearing or proceeding on the  
 9 Court's calendar since the hearing on Defendants' Motion is set for November 7, 2008.

10 The parties make this request based on the fact that Defendants filed their Motion to  
 11 Dismiss Plaintiff's Complaint on August 4, 2008 and the parties agree that Plaintiff should have  
 12 additional time to consider Defendants' Motion.

13 The parties further agree that Plaintiff's response to Defendants' Motion shall be filed no  
 14 later than August 26, 2008 and Defendants' reply brief shall be filed no later than September 4,  
 15 2008.

16 Dated: August 14, 2008

By: /s/ Matthew K. Edling  
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21 Dated: August 14, 2008

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 GANZ U.S.A., LLC


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**ORDER**

Based on the foregoing Stipulation of the parties and the facts set forth therein, the Court finds good cause to enter the parties' requested Order.

Accordingly, (1) Plaintiff shall have until and including, August 26, 2008 to file a response to Defendants' Motion to Dismiss Plaintiff's Complaint and (2) Defendants shall have until, and including, September 4, 2008 to file a reply brief to Plaintiff's response.

Dated: August 15, 2008

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE